

## REMARKS

Upon entry of the forgoing amendments, claims 1-20 are pending in this application with claims 1, 8, 13, and 15 being independent claims. No claim is allowed.

Claims 1, 8, 13, and 15 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of claims 2-7, 9-12, 14, and 16-20 is unchanged, but their meaning is changed because they depend from amended claims.

### The 35 U.S.C. § 102 Rejection

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by *Chiu et al.* (US 6,597,689 B1). This rejection is respectfully traversed.

Generally, the Office Action states that *Chiu* discloses all of the claim elements and limitations. However, there appears to be a misunderstanding that should be clarified by the current amendment. From the Response to Arguments section of the Final Office Action dated April 6, 2004 it appears that the understanding is that the PVC is auto-configured. This is in error. In a conventional manner the PVC has been predetermined by a network administrator and does not change. The assumption is that the CPE device itself has been changed or has otherwise lost its configuration. Rather than involve the network administrator again, the variously claimed CPE devices are enabled to auto-configure themselves to the previously existing PVC assigned for their associated node in the network. In this way, the customer is free to swap out devices as desired or required. The PVC remains. There is no SVC involved as in *Chiu*. The independent claims have been amended to reflect this correct understanding. Properly interpreted, *Chiu* can not be said to anticipate the present claims.

In view of the above, it is respectfully asserted that the claims are now in condition for allowance.

### Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Please charge any required fee or credit any overpayment not otherwise paid or credited to our deposit account # 50-1698.

Respectfully submitted,  
THELEN, REID, & PRIEST LLP



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